

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**IN RE: TERRORIST ATTACKS ON       :**  
**SEPTEMBER 11, 2001                :**       **03-MDL-1570 (GBD)(SN)**

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This Document Relates To:

*Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al.*, Case No. 03-cv-9849 (GBD)(SN)

**CERTAIN PLAINTIFFS' MOTION FOR ENTRY OF  
DEFAULT JUDGMENT AGAINST THE TALIBAN**

Plaintiffs Mindy Kleinberg, as Personal Representative of the Estate of Alan D. Kleinberg, Deceased; Mindy Kleinberg; Lauren Nicole Kleinberg; Sam Eric Kleinberg; Jacob Kleinberg; Lorie Van Auken, as Personal Representative of the Estate of Kenneth Van Auken, Deceased; Lorie Van Auken; Matthew Van Auken; Sarah Van Auken; Patricia D. Casazza, as Personal Representative of the Estate of John Francis Casazza, Deceased; Patricia D. Casazza; and John F. Casazza, by and through counsel, hereby move for a Final Default Judgment against the Taliban in the amounts previously established, found, and entered as conscious pain and suffering damages and economic damages or solatium damages in favor of said Plaintiffs against other defendants in this action and as reflected on Exhibit A and Exhibit B.

Said Plaintiffs also seek an award of pre-judgment interest at the rate of 4.96 percent, compounded annually, from the period from September 11, 2001, until the date of the judgment for damages.

Said Plaintiffs further seek permission to file a future request for an award of punitive damages, and other appropriate damages at a later date.

In support of this motion, said Plaintiffs adopt and incorporate the motions, memoranda, declarations, and exhibits filed by other *Burnett* plaintiffs in this action at MDL Doc. Nos. 7618

through 7621 in support of such other *Burnett* plaintiffs' Motions for Default Judgment against the Taliban.

Plaintiffs Mindy Kleinberg, as Personal Representative of the Estate of Alan D. Kleinberg, Deceased; Mindy Kleinberg; Lauren Nicole Kleinberg; Sam Eric Kleinberg; Jacob Kleinberg; Lorie Van Auken, as Personal Representative of the Estate of Kenneth Van Auken, Deceased; Lorie Van Auken; Matthew Van Auken; Sarah Van Auken; Patricia D. Casazza, as Personal Representative of the Estate of John Francis Casazza, Deceased, Patricia D. Casazza; and John F. Casazza, so move on the grounds that the Complaint and/or Amended Complaints in this action, as well as matters such as service, defaults, and damages findings, were filed, entered, or occurred in favor of said Plaintiffs, who were then represented by *Burnett* plaintiffs' counsel, who filed the documents supporting entry of final judgment at MDL Doc. Nos. 7618 through 7621. Said Plaintiffs are now represented by the undersigned counsel, who entered as substitute counsel on August 28, 2019, by this Court's orders on September 7, 2019. *See* MDL Doc. Nos. 5006, 5010, 5013, 5098, 5099, and 5156.

The facts, and the actions taken by said Plaintiffs' prior counsel, as detailed in the motion, memoranda, supporting declarations, and exhibits at MDL Doc. Nos. 7618 through 7621, support the entry of Default Judgment in favor of said Plaintiffs against the Taliban exactly as they do the other *Burnett* plaintiffs subject to the motion and supporting papers filed at MDL Doc. Nos. 7618 through 7621.

The Plaintiffs for whom such default judgments are requested are listed in Exhibit A and Exhibit B hereto, together with the conscious pain and suffering damages, economic damages, and solatium damages, findings entered in *Burnett*.

Date: February 1, 2022

Respectfully Submitted,

/s/ Dennis G. Pantazis

Dennis G. Pantazis (AL Bar No. ASB-2216-A59D)

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